

STATE OF UTAH
GUARDIANSHIP OF MINOR
PACKET

GUARDIANSHIP OF MINOR PACKET

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STATE OF UTAH GUARDIANSHIP OF MINOR PACKET INFORMATION, INSTRUCTIONS, and FORMS

GENERAL

INTRODUCTION

The term *Pro Se* means doing it for yourself or, specifically in this situation, without the assistance of an attorney. This packet has been developed to assist those who cannot afford an attorney in filing for Guardianship of Minor in generally uncontested circumstances. As such, it may not be adequate for every individual situation. Help in filling out this packet may be obtained without cost on a limited basis at Waine's Clinic held at the Matheson Courthouse in Salt Lake City on Tuesdays and Thursdays starting at 6 p.m. Telephone (801) 238-7804 prior to attending. For a flyer explaining Waine's Clinic and a list of other free legal clinics throughout the state, call Utah Legal Services.

In Salt Lake City call 328-8891;
From anywhere else in Utah call 1-800-662-4245;
Outside of Utah call 1-800-945-9885.

Other legal services may also be available from Utah Legal Services for those who are economically disadvantaged and fall within eligibility requirements.

If you are not eligible for services from Utah Legal Services, but your particular circumstance requires the advice of an attorney, you can contact the Tuesday Night Bar at (801) 531-9077 for free legal advice or the Utah Bar Association Lawyer Referral Service at (801) 531-9075 or at 1 (800) 662-9054 for help in finding a private attorney who will charge for services. Assistance may also be obtained for a fee from Guardianship Associates, a private non-profit organization, at (801)533-0203 or 320 West 200 South Suite 140-B, Salt Lake City, Utah 84101.

In Utah, a guardianship arrangement may be granted for the protection of unemancipated Minors (unmarried or not in active military service) who do not have a legal Guardian. Guardianship is a relationship created by law in which a Guardian is given the legal authority to make decisions that manage and control the Minor's life. The purpose of guardianship is to ensure that decisions affecting the Minor's affairs will be made rationally and with the Minor's best interests in mind.

Utah law clearly distinguishes between Guardians, whose responsibility is mainly personal; and Conservators, whose responsibility is specifically financial. Nevertheless, in the absence of a legally appointed Conservator, a Guardian may also oversee the financial affairs and estate of a Minor. However, even though there is no statutory limit to the size of an estate that a Guardian may oversee, the Court will generally require that a Conservator also be appointed for an estate valued at over \$10,000. The same person who is appointed Guardian may also be appointed Conservator of the Minor's estate.

RESPONSIBILITY AND LIABILITY OF GUARDIANS

A Guardian of a Minor has the same authority and responsibility as a parent who has not been deprived of custody of a minor child, except that a Guardian is not financially liable to third parties for actions of the Minor in the same sense that a parent would be. Although a Guardian is not legally obligated to provide for the Minor from his/her own personal resources, a Guardian should be willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the Minor. A Guardian submits personally to the jurisdiction of the Court in any proceeding relating to the Guardianship of Minor and will be notified by the Court at the Guardian's mailing address. The Guardian may be required by the Court to post a bond. In particular, a Guardian has the following powers and duties:

- ! The Guardian must take reasonable care to manage and protect both the personal and real property of the Minor.
- ! The Guardian may receive money payable to the Minor's parent, custodian, or guardian under the terms of any statutory benefit, insurance system, contract, devise, trust, or conservatorship for the support of the Minor. Any sums received shall be applied to the Minor's current needs for support, care, and education. A Guardian must take care to conserve any excess income for the Minor's future needs. If a Conservator has been appointed, then any excess funds should be paid at least annually to the Conservator. No such monies will go toward compensation for the services of the Guardian unless so ordered by the Court or approved by a duly appointed Conservator who is not the Guardian.
- ! The Guardian may initiate proceedings to collect any debts owed to the Minor or compel payment by anyone who has a duty to support the Minor.
- ! The Guardian is empowered to facilitate the Minor's education and social activities, and to authorize medical or professional treatment or advice.
- ! The Guardian is not liable to the Minor for negligent acts of third parties that may result in an injury during an activity that would have been legally consented to by Parents (for example, a school field trip).
- ! The Guardian may consent to the marriage or adoption of the Minor; and may delegate Power of Attorney for the Minor for up to six months.
- ! The Guardian must report the conditions of the Minor and the Minor's estate which has been under the Guardians control upon petition of any person interested in the Minor's welfare and/or as ordered by the Court.
- ! The Guardian has all powers and responsibilities necessary to act in the current and continuing best interests of the Minor except where the Court may have limited that authority by Order of Appointment and/or as expressed in the Letter of Guardianship of Minor.

GUARDIANSHIP PROCEEDINGS

To commence an action to create guardianship, any person interested in the Minor's welfare may petition the Court in the County in which the Minor resides or is physically present for an appointment of a qualified guardian. Once the completed Petition for Appointment is filed with the District Court Clerk, a hearing will be set by the Court. All other required forms should be completed and filed prior to the hearing, or the hearing may need to be rescheduled. Notice of the time and place of the impending hearing must be given at least ten days prior to the hearing to any living parent, the Minor (if over 14 years old), the local School District, and to any other interested persons listed on the Petition for Appointment.

The Court Clerk will generally issue those notices according to statute, but it is the responsibility of the Petitioner to provide the names and addresses of those interested parties to the Court and, if necessary, to assist in the notification as directed by the Court Clerk.

At the hearing, all interested parties are invited to give input regarding the appointment of a Guardian. If there are any objections to the appointment, the hearing may be rescheduled for argument at a later date. If the Court determines at any time during the hearing that the Minor's interests are not or will not be adequately represented, the Court may appoint an attorney to represent the Minor. The Court wants to be sure that the individual who is seeking guardianship is genuinely interested in the Minor's welfare, which includes the Minor's physical, mental, moral, and emotional health needs; and is fully capable of serving in that capacity. If the Minor is at least 14 years old, the Court will give considerable deference to a qualified individual whose nomination the Minor supports by affidavit.

After the hearing, the Court will appoint a Guardian. The appointed Guardian must provide the Court with a written Acceptance of Appointment within 30 days of the appointment date, or the appointment will be void. Upon acceptance of appointment, the Court will issue Letters of Guardianship to verify the Guardian's status as Guardian of the Minor and to list any specific limitations or responsibilities as such.

TERMINATION OF GUARDIANSHIP

Termination of guardianship does not affect the Guardian's liability for prior acts in that capacity or the obligation to account for the Minor's funds and assets during the term of Guardianship. An appointed Guardian's duty to the Minor terminates upon the occurrence of any one of following four sets of circumstances:

- ! Death of either the Minor or the Guardian.
- ! When the Minor reaches the age of 18 years old, is adopted, or is married.
- ! The Guardian submits a Resignation of Guardianship which is accepted by the Court.
- ! The Court removes the Guardian for whatever reason. An action to remove a Guardian can be initiated by any person genuinely interested in the Minor's well being. In deciding whether to remove a Guardian or terminate guardianship, the Court will follow the same procedures intended to safeguard the rights of the Minor that are used in considering the Petition for Appointment of Guardian.

FORMS

PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR

FILING

When completed, file the Petition with the District Court Clerk and pay the requisite fee (\$120 as of August 2001) or, in cases of extreme financial hardship, an Affidavit of Impecuniosity may be filed in lieu of the fee. You can obtain an Affidavit of Impecuniosity from any District Court Clerk's Office, Utah Legal Services, or Wainwright Clinic.

HEADING

- Person (Petitioner) filing Petition for Appointment of Guardian enter:
- ! Your name, address, and phone number at the top of the page.
 - ! Enter District Court #, County name, and Court address on appropriate lines.
 - ! Your name on lines for Petitioner; Minor's name on lines for Minor.
 - ! Your relationship to Minor on relationship line (sister, son, friend, doctor, clergy).
 - ! Name of Nominated Guardian and relationship (generally the same person who is the Petitioner, but may be someone else).
 - ! NOTE - Probate No. and Judge will be assigned by the Court Clerk at filing.

STATEMENT 1

Petitioner must file in the County where the Minor resides or is present (see County District Court addresses on the first page following these instructions).

STATEMENT 2

The complete names and addresses of all persons to be notified by the Court Clerk's Office should be neatly entered here. If more room is required, other interested parties may be neatly listed on the back of Page 2 (write *see more names on back*).

STATEMENT 3

Parental Consent(s), an affidavit listing the circumstances, and/or a copy of the Court Order terminating or suspending parental custody must be filed with the Court Clerk prior to the hearing (Parental Consent forms are included in this packet).

STATEMENT 4

If Minor is emancipated or if there is any other legal action pending for Guardianship of Minor by written instrument or Petition, this petition will be void.

STATEMENT 5

Fill in Minor's birth date and check only the *AA* statement that applies. If first *AA* statement is marked (Minor is at least 14 years old), then a Nomination of Guardian by Minor form (included in packet) must be completed by the Minor and should be filed with the Court Clerk prior to the hearing. Enter the name of the nominated guardian on the blank line.

STATEMENT 6

Mark only the *AA* statement that applies. If you mark the second *AA* statement, you must also obtain and submit to the Court an Affidavit of Waiver from the School District where Minor will attend school. (Affidavit of Waiver by School District form is included)

STATEMENT 7

Enter the Total taken from the attached Estate Value Worksheet. Worksheet should be attached to the back and be submitted with the Petition. *NOTE* - If the estate is valued over \$10,000 you should also file for conservatorship.

AWHEREFORE CLAUSE@

STATEMENT 3 (page 3)

- ! Enter name of proposed Guardian on Guardian line followed by the Minor-s name on the Minor line.
- ! If you feel that bonding is not necessary for the person nominated as Guardian, mark the Awithout bond@statement. If you feel that bonding is necessary for the person nominated as Guardian, mark the Awith bond@statement and enter the amount of bond requirement. Generally speaking, a bond is not required by the Court for guardianship.

PERSONAL SIGNATURE & NOTARY

Petitioner must sign on the line for Petitioner in front of a Notary Public and have the document notarized (Page 4). A Notary Public may be found at any bank or at a public library (there may be a minimal charge for Notary service).

AFFIDAVIT OF SUSPENSION OF PARENTAL CUSTODY RIGHTS

FILING

This form may be filed with the Court Clerk any time prior to the hearing. It is submitted to the Court to verify and explain Statement 3 in the Petition.

HEADING

Fill out completely - Probate No. and Judge will be assigned at filing.

BODY

- ! Enter your name on Petitioner line.
- ! Mark all that apply, A through E. Attach all documents that correspond to the statements you marked in this form and attach them to this form. For example, you might mark AD@if one of the parents is not able to be located - you would attach an affidavit which states what you have done in an attempt to locate that parent: such as telephone calls and letters to parent-s relatives, friends, clergy, last known place of work, etc. Publication as a means of notice may be requested by the Court if it is thought that the person might be within the state. If you mark AE@, be sure to list and number what the Aother@relevant exhibits are on the lines below as well as attaching them to this form (for example, a newspaper article that states parent was Alost at sea@).

SIGNATURE

Petitioner must sign on the line for Petitioner in front of a Notary Public and have the document notarized.

MOTHER-S/FATHER-S CONSENT TO GUARDIANSHIP

FILING

If applicable, these forms should be signed by each living parent, be attached to the Affidavit of Suspension of Parental Custody Rights, and filed with the Court Clerk any time prior to the hearing.

HEADING

Fill out completely and enter name of parent signing form on first line.

STATEMENT 1

Be sure Mother fills out/signs Mother-s form; Father fills out/signs Father-s form.

STATEMENT 2

Enter name of Nominated Guardian. This statement indicates that the parent will voluntarily support and respect the Court-s appointment of stated Guardian. It does not prevent the parent from making application in the future to have parental custody rights reinstated and/or to terminate court appointed guardianship.

STATEMENT 3

This statement waives all parental custody rights pertaining to the child.

SIGNATURE

Parent must sign form in front of Notary Public and have form notarized.

AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT

FILING

This form will need to be filled out and signed by the School District in which the Minor will attend school. It should be filed with the Court Clerk prior to the hearing.

HEADING

Petitioner should fill out heading completely. Enter School District Representative-s name and the appropriate County in the blanks below the heading.

STATEMENT 1

Enter the name of the School District.

STATEMENT 2

Mark the appropriate AA@statement.

- ! It you mark the first AA@statement, then go to signature block.
- ! If you mark the second AA@statement, then enter the School District-s name in number 1 and also mark the appropriate Ahas or has not@blanks in numbers 1 through 3.

NOTE If a Minor is 12 years or older and the requirements listed in the second AA@statement as numbers 1 through 3 are not satisfactorily completed, the Judge may deny guardianship. That does not mean that the Judge must deny guardianship, but it may adversely influence the Judge-s decision or delay the appointment.

SIGNATURE

The School District Representative filling out this form must sign it in front of a Notary Public.

AFFIDAVIT FOR RELEASE OF CONFIDENTIAL INFORMATION

- ! If the Minor is 12 years or older and has lived outside of the state during the previous 2 years, this form must be signed by the current guardian or a living parent, notarized, and given to the School District Representative before he/she completes/signs the AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT form.
- ! If the Minor has NOT lived outside of the state during the previous 2 years, this form does not need to be completed or filed.
- ! If the Minor is under 12 years old, this form does not need to be completed or filed.

NOTE Even though this form may not be required, the AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT form and the other requirements in statement 2 of the Waiver must be completed.

NOMINATION OF GUARDIAN BY MINOR

FILING

If Minor is 14 years or older, this form should be completed by Minor and filed with the Court Clerk prior to the hearing.

HEADING

Fill out completely.

BODY

Enter Minor's name and the name of the Guardian.

SIGNATURE

Minor must sign form in front of Notary Public and form must be notarized.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FILING

Complete this form in accordance with the Petition information and present it to the Court Clerk on the day of the hearing. Obtain a copy of this form for your personal records after it is signed by the Judge.

HEADING

Fill out the same as other forms - include Probate No. and Judge's name.

STATEMENT 2

Enter the name of County where Minor resides or is present.

STATEMENT 6

Mark the AA statement that applies.

STATEMENT 7

Mark only the AA@statement that applies, This should be marked the same as Statement 6 in the PETITION FOR APPOINTMENT form.

STATEMENT 8

Enter the same value found in Statement 7 in the PETITION FOR APPOINTMENT form.

PAGE 3

Statement 2 - Enter Guardian's name and mark the AA@statement that applies and list any limitations if applicable.

Statement 3 - Mark the AA@statement that applies and enter bond amount if applicable.

SIGNATURE

Only the Judge signs this form.

ORDER OF APPOINTMENT OF GUARDIAN OF MINOR

FILING/HEADING/BODY

Complete this form to match the Findings of Fact and Conclusions of Law form and file it with the Court Clerk prior to the hearing. Obtain a copy of this form for your personal records after it is signed by the Judge.

SIGNATURE

Only the Judge signs this form.

ACCEPTANCE OF APPOINTMENT

FILING

This form must be completed and submitted to the Court Clerk prior to the scheduled hearing. After the hearing, a copy of this form can be used as notice of the acceptance and should be given to the Minor, if 14 years of age or older, and to the person providing care to the Minor or to the Minor's nearest adult relative.

HEADING

Fill out completely.

BODY

Enter Guardian's name followed by Minor's name and the date.

SIGNATURE

The newly appointed Guardian signs this form.

LETTERS OF GUARDIANSHIP

FILING

This form should be filed with the Court Clerk prior to the hearing. It will be returned by the Court Clerk to the Guardian after the Guardian has accepted appointment by submitting the Acceptance form. After the hearing, it will be certified/signed by the Clerk, given to the Guardian, and may be used to verify the Guardian's authority to act on behalf of the Minor. Copies may be made and given to any agency requiring such verification.

HEADING

Fill out completely.

BODY

- ! Enter Guardian's name, the date, and the Judge's name on the appropriate lines.
- ! Mark the type of guardianship that was ordered and list any specific responsibilities/limitations that may apply. This should be done exactly like the same section found in the Order of Appointment form.

SIGNATURE

This document will be signed by the Court Clerk's Office. Make several copies of this so that you have them available to give to whomever may request verification that you are the Legal Guardian.

DISTRICT COURTS AND ADDRESSES

County	Court Name	Address	Phone
Beaver	Fifth District Court	2160 South 600 West, Beaver, UT 84713	(435) 438-5309
Box Elder	First District Court	43 North Main, Brigham City, UT 84302	(435) 734-4600
Cache	First District Court	140 North 100 West, Logan, UT 84321	(435) 750-1300
Carbon	Seventh District Court	149 East 100 South, Price, UT 84501	(435) 636-3400
Daggett	Eighth District Court	95 No. 100 W., P.O. Box 219, Manila, UT 84046	(435) 784-3154
Davis	Second District Court	800 West State, Box 769, Farmington, UT 84025	(801) 447-3800
Duchesne	Eighth District Court	255 So. State #36-9, Box 128, Roosevelt 84066	(435) 722-0235
Emery	Seventh District Court	95 East Main, Castle Dale, UT 84513	(435) 636-3400
Garfield	Sixth District Court	55 South Main, Panguitch, UT 84725	(435) 676-1100
Grand	Seventh District Court	125 East Center, Moab, UT 84532	(435) 259-1349
Iron	Fifth District Court	40 North 100 East, Cedar City, UT 84720	(435) 586-7440
Juab	Fourth District Court	160 North Main, P.O. Box 249, Nephi, UT 84648	(435) 623-0901
Kane	Sixth District Court	76 South Main, Kanab, UT 84741	(435) 644-2458
Millard	Fourth District Court	765 S. Hwy 99, SR Box 55, Fillmore, UT 84631	(435) 743-6223
Morgan	Second District Court	48 West Young Street, Morgan, UT 84050	(801) 845-4020
Piute	Sixth District Court	P.O. Box 99, Junction, UT 84740	(435) 577-2840
Rich	First District Court	P.O. Box 218, Randolph, UT 84064	(435) 793-2415
Salt Lake	Third District Court	450 South State St., Salt Lake City, UT 84114	(801) 238-7300
San Juan	Seventh District Court	297 South Main, Monticello, UT 84535	(435) 259-1349
Sanpete	Sixth District Court	160 North Main, Manti, UT 84642	(435) 835-2131
Sevier	Sixth District Court	895 East 300 North, Richfield, UT 84701	(435) 896-2700
Summit	Third District Court	50 No. Main, P.O. Box 128, Coalville, UT 84017	(435) 336-3202
Tooele	Third District Court	47 South Main, Tooele, UT 84074	(435) 843-3210
Utah	Fourth District Court	125 North 100 West, Provo, Utah 84601	(801) 429-1000
Uintah	Eighth District Court	147 East Main, P.O. Box 1015, Vernal, UT 84078	(435) 789-7534
Wasatch	Fourth District Court	1361 So Hwy 40, PO Box 730, Heber City 84032	(435) 654-4676
Washington	Fifth District Court	220 North 200 East, St. George, UT 84770	(435) 986-5700
Wayne	Sixth District Court	Wayne County Courthouse, Loa, UT 84747	(435) 836-2731
Weber	Second District Court	2525 Grant Ave., Ogden, UT 84401	(801) 395-1173

FORMS

The following forms have been included in this packet:

- COVER SHEET FOR CIVIL ACTIONS
- PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR
- ESTATE VALUE WORKSHEET
- AFFIDAVIT OF SUSPENSION OF PARENTAL CUSTODY RIGHTS
- MOTHER-S CONSENT TO APPOINTMENT OF GUARDIAN
- FATHER-S CONSENT TO APPOINTMENT OF GUARDIAN
- AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT
- AFFIDAVIT FOR RELEASE OF CONFIDENTIAL INFORMATION
- NOMINATION OF GUARDIAN BY MINOR
- FINDINGS OF FACT AND CONCLUSIONS OF LAW
- ORDER OF APPOINTMENT OF GUARDIAN OF MINOR
- ACCEPTANCE OF APPOINTMENT
- LETTERS OF GUARDIANSHIP

Depending on the circumstances, not all forms may be required for every case. However, it is very important that you completely fill out the forms you do need according to the instructions. Any questions regarding the forms and/or the their instructions or any questions related to Guardianship in general can be answered at the Domestic Law Clinic held at 6 PM on Tuesdays and Thursdays at the Scott Matheson Court House (**call (801) 238-7804 the day of the clinic to be sure that the clinic for that day has not been canceled**).

COVER SHEET FOR CIVIL ACTIONS

Party Identification

PETITIONER

Name

Address

Day Time Telephone:

MINOR

Name

Address

Day Time Telephone:

Total Claim for Damages

\$ _____

Jury Demand

☐ Yes ☒ No

Schedule of Fees: §21-1-5. Check Any That Apply. (See Case Types for Filing Fees for Complaints other than Claim for Damages)

-- COMPLAINT FOR DAMAGES --			--- MISCELLANEOUS ---		
<input type="checkbox"/>	INTERPLEADER OR SMALL CLAIMS: \$2000 OR LESS	\$37	<input type="checkbox"/>	JURY DEMAND	\$50
<input type="checkbox"/>	SMALL CLAIMS: \$2001-\$5000	\$60	<input type="checkbox"/>	VITAL STATISTICS 26-2-25	\$2
<input type="checkbox"/>	CIVIL OR INTERPLEADER: \$2001 - \$9999	\$80	<input type="checkbox"/>	ONLINE COURT ASSISTANCE PROGRAM	\$20
<input type="checkbox"/>	CIVIL OR INTERPLEADER: \$10,000 AND OVER	\$120			
<input type="checkbox"/>	CIVIL UNSPECIFIED	\$120			

COVER SHEET FOR CIVIL ACTIONS

Case Type (Check Only one Category)

Fee		Case Type
----- APPEALS -----		
\$120	<input type="checkbox"/>	Administrative Agency Review
\$70	<input type="checkbox"/>	Small Claims Trial de Novo
----- GENERAL CIVIL -----		
\$120	<input type="checkbox"/>	Attorney Discipline
Sch	<input type="checkbox"/>	Civil Rights
\$120	<input type="checkbox"/>	Condemnation
Sch	<input type="checkbox"/>	Contract
Sch	<input type="checkbox"/>	Debt Collection
\$50	<input type="checkbox"/>	Expungement (Fee is \$0 under circumstances of §77-18-10(2))
Sch	<input type="checkbox"/>	Forcible Entry and Detainer
\$120	<input type="checkbox"/>	Forfeiture of Property
Sch	<input type="checkbox"/>	Interpleader
Sch	<input type="checkbox"/>	Lien/Mortgage Foreclosure
Sch	<input type="checkbox"/>	Malpractice
Sch	<input type="checkbox"/>	Miscellaneous Civil
\$120	<input type="checkbox"/>	Extraordinary Relief
Sch	<input type="checkbox"/>	Personal Injury
\$120	<input type="checkbox"/>	Post Conviction Relief: Capital
\$120	<input type="checkbox"/>	Post Conviction Relief: Non-capital
Sch	<input type="checkbox"/>	Property Damage
Sch	<input type="checkbox"/>	Property/Quiet Title
Sch	<input type="checkbox"/>	Sexual Harassment
Sch	<input type="checkbox"/>	Small Claims
Sch	<input type="checkbox"/>	Tax
Sch	<input type="checkbox"/>	Water Rights
Sch	<input type="checkbox"/>	Wrongful Death
Sch	<input type="checkbox"/>	Wrongful Termination
----- DOMESTIC -----		
\$0	<input type="checkbox"/>	Cohabitant Abuse
\$120	<input type="checkbox"/>	Common Law Marriage
\$120	<input type="checkbox"/>	Custody/Visitation/Support
\$80	<input type="checkbox"/>	Divorce/Annulment
	<input type="checkbox"/>	Check if child support, custody or visitation will be part of decree
\$120	<input type="checkbox"/>	Paternity
\$80	<input type="checkbox"/>	Separate Maintenance
\$120	<input type="checkbox"/>	Uniform Child Custody Jurisdiction Act (UCCJA)

Fee		Case Type
\$120	<input type="checkbox"/>	Uniform Interstate Family Support Act (UIFSA)
----- JUDGMENTS -----		
\$25	<input type="checkbox"/>	Abstract of Foreign Judgment or Decree
\$40	<input type="checkbox"/>	Abstract of Judgment or Order of Utah Court or Agency
\$30	<input type="checkbox"/>	Abstract of Judgment or Order of Utah State Tax Commission
\$25	<input type="checkbox"/>	Judgment by Confession
Sch	<input type="checkbox"/>	Renew Judgment
----- PROBATE -----		
\$120	<input type="checkbox"/>	Adoption
\$120	<input type="checkbox"/>	Conservatorship
\$120	<input type="checkbox"/>	Estate Personal Rep - Formal
\$120	<input type="checkbox"/>	Estate Personal Rep - Informal
\$120	<input checked="" type="checkbox"/>	Guardianship
\$120	<input type="checkbox"/>	Involuntary Commitment
\$120	<input type="checkbox"/>	Minor's Settlement
\$120	<input type="checkbox"/>	Name Change
\$120	<input type="checkbox"/>	Supervised Administration
\$120	<input type="checkbox"/>	Trusts
\$120	<input type="checkbox"/>	Unspecified Probate
----- SPECIAL MATTERS -----		
\$0	<input type="checkbox"/>	Administrative Search Warrant
\$25	<input type="checkbox"/>	Arbitration Award
\$0	<input type="checkbox"/>	Criminal Investigation Search Warrant
\$0	<input type="checkbox"/>	Deposit of Will
\$0	<input type="checkbox"/>	Determination of Competency in Criminal Case
\$0	<input type="checkbox"/>	Extradition
\$25	<input type="checkbox"/>	Foreign Probate or Child Custody Document
\$0	<input type="checkbox"/>	Hospital Lien
\$25	<input type="checkbox"/>	Judicial Approval of Document not part of a Pending Case
\$25	<input type="checkbox"/>	Notice of deposition in out-of-state case

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
)	
_____ ,	)	PETITION FOR APPOINTMENT
	)	OF GUARDIAN OF MINOR
a Minor)	
)	
	)	Probate No. _____
)	
	)	Judge: _____

Petitioner, _____, who is the _____
Relationship
of Minor _____, petitions the Court to appoint

Nominated Guardian _____, who is the _____ Relationship of the
above named Minor and is also genuinely interested in the Minor's physical, mental, moral,
and emotional health needs; and states and represents to the court that:

1. Minor currently resides or is present within _____ County.
2. Notice of the time and place of hearing on this petition should be mailed to each of the following interested parties listed below at the addresses given:

Name	Address	Relationship to Minor
		Mother

Father

Care Provider for 60
petition filing date

Minor if 14 or older

Guardian by will or Inst.
who did not accept appt.

Local School Dist. Other

*If necessary, additional names and addresses may be listed on the back of this page.

3. Parental custody rights have been terminated or suspended by waiver of living parent(s), circumstances, or prior court order (see submitted documentation).
4. Minor is not emancipated and does not currently have a Guardian by instrument or appointment; nor are there any currently pending guardianship proceedings.
5. Minor was born on _____ and at the time of hearing will be: (select one)
 - A. () at least 14 years old and has included with this petition an affidavit nominating to be appointed by the Court as Guardian of Minor.
 - A. () under 14 years old.
6. At the time of hearing, Minor will be: (select one)
 1. A. () under 12 years old.
 - A. () at least 12 years old and has attached an Affidavit of Waiver from the School District in which the Minor will attend school.
7. The total value of Minor's estate which will come into the possession of Petitioner as Guardian is \$ _____ (total taken from attached worksheet).

WHEREFORE, the Petitioner requests:

1. The Court to fix a date and time for hearing on this Petition.
2. Notice to be given as required by '75-5-207.

3. The Court to appoint _____, as Guardian

of Minor, _____, to serve: (select one)

A. () without bond.

A. () with bond required in the amount of \$ _____.

4. Letters of Guardianship to be issued by the Court to the Guardian.

DATE:

Petitioner

NOTARY CLAUSE

STATE OF UTAH,
COUNTY OF

Petitioner, _____, personally appeared
before me, the undersigned Notary Public, and proved to me Petitioner's identity with
documentation in the form of _____; and
upon being sworn and under oath, signed the preceding document entitled PETITION FOR
GUARDIANSHIP OF MINOR in my presence and acknowledged and affirmed that the
information contained in the document is true to the best of Petitioner's own personal
knowledge and that Petitioner has signed the document voluntarily for its stated purpose.

DATE:

Notary Public

ESTATE VALUE WORKSHEET
FOR STATEMENT #7 OF PETITION FOR
APPOINTMENT OF GUARDIANSHIP OF MINOR
REFERENCE: ' 75-5-411

1. Value of the Minor's property and income that the Guardian will oversee:

A. Land, real estate, buildings, furnishings	\$
B. Business enterprise	\$
C. Stocks, bonds, cash	\$
C. Vehicles	\$
E. Heirlooms	\$
F. Other	\$

ADD
Sub Total \$

2. **One year's income** from all sources \$

ADD
Sub Total \$

3. Value of cash or securities requiring Court Order for removal. \$ _____
Sub Total \$

4. Value of land requiring Court Order for sale or conveyance. \$ _____

5. **Enter this amount in statement #7 of Petition.** **Total** \$

***NOTE* - If the total amount arrived at above is over \$10,000, you will probably also need to file for conservatorship.**

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)
)
_____,) **AFFIDAVIT OF SUSPENSION**
) **OF PARENTAL CUSTODY RIGHTS**
)
a Minor)
)
) Probate No. _____
)
) Judge: _____
)

I, _____, Petitioner in the above named legal proceeding, do
solemnly swear and affirm to the best of my knowledge that the custody rights of the parents of
the Minor named above have been terminated or suspended by waiver of living parent(s),
circumstances, or prior Court Order.

TO SUPPORT THIS CLAIM, I submit the following attached affidavits and/or information to the
Court:

- A. () Parental waiver of custody rights.
- B. () The death certificates of Minor's parent(s); and Minor's birth certificate.
- C. () Prior Court Order suspending parental custody rights.
- D. () Documents and other Affidavits explaining circumstances which make
parent(s) unable or unwilling to exercise parental custody rights and responsibilities.
- E. () Other relevant exhibits listed below:

Date _____

Petitioner

NOTARY CLAUSE

STATE OF UTAH,

COUNTY OF _____

Petitioner, _____, personally appeared
before me, the undersigned Notary Public, and proved to me Petitioner's identity with
documentation in the form of _____; and
upon being sworn and under oath, signed the preceding document entitled AFFIDAVIT OF

SUSPENSION OF PARENTAL CUSTODY RIGHTS in my presence and acknowledged and
affirmed that the information contained in the document is true to the best of Petitioner's own
personal knowledge and that Petitioner has signed the document voluntarily for its stated
purpose.

DATE:

Notary Public

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
	)	MOTHERS CONSENT TO
_____,	)	APPOINTMENT OF GUARDIAN
)	
a Minor)	
	)	Probate No. _____
)	
	)	Judge: _____
)	

I, _____, the undersigned, swear and affirm that:

1. I am the natural Mother of the above named Minor child.
2. I completely agree that the appointment of _____ as Guardian of my
Minor child would be in Minor child's best interest and voluntarily support and give my consent
to such an appointment by the Court.
3. I voluntarily waive all parental custody rights pertaining to my child named above.

DATE: _____

Natural Mother

NOTARY CLAUSE

STATE OF UTAH,

COUNTY OF _____

_____, personally appeared
before me, the undersigned Notary Public, and proved to me her identity with
documentation in the form of _____; and
upon being sworn and under oath, signed the preceding document entitled MOTHER'S CONSENT TO
APPOINTMENT OF GUARDIAN in my presence and acknowledged and affirmed that the
information contained in the document is true to the best of her own personal knowledge and
that she has signed the document voluntarily for its stated purpose.

DATE:

Notary Public

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
	)	FATHERS CONSENT TO
_____,	)	APPOINTMENT OF GUARDIAN
)	
a Minor)	
	)	Probate No. _____
)	
	)	Judge: _____
)	

I, _____, the undersigned, swear and affirm that:

1. I am the natural Father of the above named Minor child.
2. I completely agree that the appointment of _____ as Guardian of my
Minor child would be in Minor child's best interests and voluntarily support and give my
consent to such an appointment by the Court.
3. I voluntarily waive all parental custody rights pertaining to my child named above.

DATE: _____

Natural Father

NOTARY CLAUSE

STATE OF UTAH,
COUNTY OF

_____, personally appeared
before me, the undersigned Notary Public, and proved to me his identity with
documentation in the form of _____; and
upon being sworn and under oath, signed the preceding document entitled FATHER'S CONSENT TO
APPOINTMENT OF GUARDIAN in my presence and acknowledged and affirmed that the
information contained in the document is true to the best of his own personal knowledge and
that he has signed the document voluntarily for its stated purpose.

DATE:

Notary Public

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
	)	AFFIDAVIT OF WAIVER BY
_____,	)	SCHOOL DISTRICT
)	
a Minor)	
	)	Probate No. _____
)	
	)	Judge: _____
)	

I, _____, the undersigned representative of
_____ School District, located in _____ County, do hereby
affirm the following:

1. That _____ School District is the school district in which above named Minor will
attend school; that the School District has been notified as to the time and place of the Hearing to
Appoint Guardian; that the School District has no objection to the Petition for Appointment of
Guardian and therefore waives appearance at hearing.

2. Minor: (select one "A")

A. () will be under 12 years old at time of hearing.

A. () will be at least 12 years old at time of hearing and: (mark 1-3)

1. **Has** () or **Has not** () provided to the
School District:

i. police certification(s) from all local jurisdictions in which the Minor lived
during the previous two years which indicate an absence of past or ongoing
criminal charges; and if applicable,

ii. release(s) for access to any criminal records of the Minor in all jurisdictions outside the state in which the Minor lived during the previous two years;

AND

2. **Has** () or **Has not** () satisfied the school district that the Minor's behavior does not indicate an ongoing unwillingness to abide by applicable law or school rules;

AND

3. **Has** () **Has not** () satisfied the school district that the primary purpose of guardianship is not to avoid payment of tuition.

DATE: _____

School District Representative

Job Title

NOTARY CLAUSE

STATE OF UTAH,
COUNTY OF _____

Affiant, _____, personally appeared
before me, the undersigned Notary Public, and is personally known to me or proved to me Affiant's
identity with documentation in the form of _____; and upon being
sworn and under oath, signed the preceding document entitled AFFIDAVIT OF WAIVER BY
SCHOOL DISTRICT in my presence and acknowledged and affirmed that the information
contained in the document is true to the best of Affiant's own personal knowledge and that
Affiant has signed the document voluntarily for its stated purpose.

DATE: _____

Notary Public

**AFFIDAVIT FOR RELEASE
OF CONFIDENTIAL INFORMATION**

Name _____

Address _____

Telephone _____

Date _____

TO WHOM IT MAY CONCERN,

I, _____, the undersigned Parent or Guardian of

_____, a minor, give _____ School District, and
whosoever it chooses to represent it, my permission to have total and unrestricted access to any
and all confidential criminal records, proceedings, and information that involve Minor named
above and which occurred or were already ongoing on or after _____.

DATE

DATE: _____

Parent or Guardian of Minor

NOTARY CLAUSE

STATE OF UTAH,

COUNTY OF _____

Affiant, _____, personally appeared
before me, the undersigned Notary Public, and proved to me Affiant's identity with documentation in
the form of _____. And upon being sworn and under oath, signed
the preceding document entitled AFFIDAVIT FOR RELEASE OF CONFIDENTIAL
INFORMATION in my presence and acknowledged and affirmed that the information
contained in the document is true to the best of Affiant's own personal knowledge and that
Affiant has signed the document voluntarily for its stated purpose.

DATE: _____

Notary Public

Name: _____

Address: _____

Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,

_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)

_____,)

a Minor)

) **NOMINATION OF GUARDIAN BY**
) **MINOR**

)
)
) Probate No. _____

)
) Judge: _____
)

I, _____, the above named Minor, am at

least fourteen years old and I hereby nominate _____ to serve as my
Guardian; and I respectfully request that the Court so order and appoint this nominee as my
Guardian.

DATE: _____

Nominating Minor

NOTARY CLAUSE

STATE OF UTAH ,
COUNTY OF _____

Minor, _____, personally appeared
before me, the undersigned Notary Public, and proved to me Minor's identity with
documentation in the form of _____; and
upon being sworn and under oath, signed the preceding document entitled NOMINATION OF
GUARDIAN BY MINOR in my presence and acknowledged and affirmed that the information
contained in the document is true to the best of Minor's own personal knowledge and that
Minor has signed the document voluntarily for its stated purpose.

DATE:

Notary Public

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
	)	FINDINGS OF FACT AND
_____,	)	CONCLUSIONS OF LAW
)	
a Minor)	
	)	Probate No. _____
)	
	)	Judge: _____
)	

FINDINGS OF FACT

Upon consideration of the Petition for Appointment of Guardian of Minor filed by
_____, Petitioner, on _____, 20____,
the Court finds, after hearing, that:

1. The Petitioner named above has petitioned the Court to appoint a qualified person as Guardian of the Minor named above, in accordance with '75-5-206(1).
2. Venue is proper because the Minor resides or is present in _____ County in accordance with '75-5-205.
3. Notice of the hearing for Guardianship of Minor was mailed to all interested parties in accordance with '75-1-401 and '75-5-207(1).
4. All previous rights of custody have been terminated or suspended by consent of living parent(s), circumstances, or prior court order in accordance with '75-5-204.
5. Minor is not emancipated and does not currently have a Guardian by instrument or appointment; nor are there any currently pending guardianship proceedings.

6. Minor is: (select one)

A. ☐ at least 14 years old and has provided an affidavit of Nomination of Guardian by
Minor in accordance with '75-5-206(2).

A. ☐ is under 14 years old.

7. Minor is: (select one)

A. ☐ under 12 years old.

A. ☐ at least 12 years old and has attached an Affidavit of Waiver from the School District in
which the Minor will attend school.

8. Minor's estate is valued at \$ _____.

CONCLUSIONS OF LAW

Based upon the findings listed above, this Court concludes that:

1. Pursuant to '75-5-206, the welfare and best interests of the Minor will be served by the requested
appointment of guardianship.

2. _____ should be appointed Guardian of Minor named above with:
(select one)

A. ☐ **full** and complete guardianship of Minor.

A. ☐ **limited** guardianship of Minor, which is limited to the following
responsibilities and legal authority to act on Minor's behalf:

3. That Guardian named above should be appointed: (select one)

A. ☐ without bond.

A. ☐ with bond required in the amount of \$ _____.

DATE: _____

BY THE COURT:

THE HONORABLE _____

District Court Judge

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
)	
_____ ,	)	ORDER OF APPOINTMENT OF
	)	GUARDAIN OF MINOR
a Minor)	
	)	Probate No. _____
)	
	)	Judge: _____
)	

In accordance with the Findings of Fact and Conclusions of Law signed by this Court at hearing
held on the ____ day of _____, 20____,

THE COURT ORDERS AND APPOINTS:

_____, as Guardian of Minor named above with: (select one)

A. () **full** and complete guardianship of Minor.

A. () **limited** guardianship of Minor, which is limited to the following
responsibilities and legal authority to act on Minor's behalf:

And to act: (select one)

A. () without bond.

A. () with bond required in the amount of \$ _____.

Upon acceptance of this appointment, Letters of Guardianship shall be issued to the above named Guardian.

DATE: _____

BY THE COURT:

THE HONORABLE _____
District Court Judge

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
	)	ACCEPTANCE OF APPOINTMENT
_____,)	
)	
a Minor	)	Probate No. _____
)	
	)	Judge: _____
)	
)	

I, _____, the undersigned, accept the
appointment as Guardian of _____, Minor.

As Guardian, I agree to perform all the duties and responsibilities granted by
this Court on the ____ day of _____, 20____, in the Appointment of
Guardian and act in the best interest and welfare of the above named Minor to the best of my ability. I
further agree to submit personally to the jurisdiction of this court in any proceeding relating to
the guardianship that may be instituted by any interested person or any person interested in the
welfare of Minor as defined by the Utah Uniform Probate Code.

DATE: _____

Guardian

Name: _____
Address: _____
Phone: _____

IN THE PROBATE DIVISION OF THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY,
_____ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF)	
_____	)	LETTERS OF GUARDIANSHIP
,)	
)	
a Minor	)	Probate No. _____
)	
	)	Judge: _____
)	
)	

_____, was appointed by Court Order as Guardian of Minor
named above on the _____ day of _____, 20____ by the Honorable
_____, District Court Judge.

This letter is issued to verify the appointment, qualification, and authority of the above named
Guardian who was given: (select one)

A. () **full** and complete guardianship of Minor.

A. () **limited** guardianship of Minor, which is limited to the following
responsibilities and legal authority to act on Minor's behalf:

WITNESS my signature and the Seal of this Court,

DATE _____

Clerk Of Court

By: _____
Deputy Clerk